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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA**

Mikkel Jordahl; Mikkel (Mik) Jordahl, P.C.,)

No. CV17-08263

Plaintiffs,)

**PLAINTIFFS' UNOPPOSED MOTION
 TO SET FEE PETITION DEADLINE**

v.)

Mark Brnovich, Arizona Attorney General; Jim)
 Driscoll, Coconino County Sheriff; Matt Ryan,)
 Coconino County Jail District Board of Directors)
 Member; Lena Fowler, Coconino County Jail)
 District Board of Directors Member; Elizabeth)
 Archuleta, Coconino County Jail District Board of)
 Directors Member; Art Babbott, Coconino County)
 Jail District Board of Directors Member; Jim Parks,)
 Coconino County Jail District Board of Directors)
 Member, all in their official capacities,)

Defendants.)

1 Pursuant to Federal Rule of Civil Procedure 54, Plaintiffs respectfully move that this
2 Court issue an order requiring any fee petition for work performed in this Court to be filed no
3 later than 14 days after this Court enters final judgment. Defendants do not oppose Plaintiffs'
4 motion to set the fee petition deadline.
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6 On January 6, 2020, the U.S. Court of Appeals for the Ninth Circuit issued a
7 memorandum disposition in this case vacating the preliminary injunction and remanding to this
8 Court with instructions to dismiss Plaintiffs' claims for declaratory and injunctive relief. *Jordahl*
9 *v. Brnovich*, No. 18-16896, Dkt. No. 124 (9th Cir. Jan. 6, 2020). The Ninth Circuit's decision
10 acknowledges that this Court retains jurisdiction to determine whether an award of attorneys'
11 fees is appropriate under 42 U.S.C. § 1988(b). *Id.*
12

13 Federal Rule of Civil Procedure 54(d)(2)(B) provides that "[u]nless a statute or a court
14 order provides otherwise," a motion for attorneys' fees must "be filed no later than 14 days after
15 the entry of judgment." Several courts have recognized that Rule 54's 14-day period is not
16 triggered by an appellate court judgment. *See Dean v. Cty. of Gage*, 332 F. Supp. 3d 1247,
17 1252–56 (D. Neb. 2018) (collecting cases). Instead, any applicable deadline under Rule 54 is
18 triggered by entry of final judgment in the district court. *Id.* at 1253–54 (quoting *Dippin' Dots,*
19 *Inc. v. Mosey*, 602 F. Supp. 2d 777, 782 (N.D. Tex. 2009)). However, out of an abundance of
20 caution, Plaintiffs respectfully request that the Court issue an order requiring any fee petition for
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1 work performed in this Court to be filed no later than 14 days after this Court enters final
2 judgment on Plaintiffs' claims.¹
3

4 Respectfully submitted this 21st day of January, 2020
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6

7 /s/ Brian Hauss
8 Brian Hauss (*pro hac vice*)
9 Vera Eidelman (*pro hac vice*)
10 Ben Wizner (*pro hac vice*)
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¹ Petitions for fees on appeal are separately governed by Ninth Circuit Rule 39-1. Circuit Rule 39-1.6 establishes the deadline for filing petitions for fees on appeal to the Ninth Circuit. Under Circuit Rule 39-1.8, the Ninth Circuit may transfer consideration of attorneys' fees on appeal to this Court for consideration.

CERTIFICATE OF SERVICE

I certify that on January 21, 2020, the foregoing Plaintiffs' Unopposed Motion to Set Fee Petition Deadline was electronically transmitted to the Clerk's Office using the CM/ECF system for filing and distribution to counsel for Defendants.

DATED this 21st day of January, 2020

/s/ Brian Hauss
Brian Hauss